

Minutes\*

**Senate Committee on Faculty Affairs**  
**Tuesday, September 15, 2009**  
**2:30 – 4:15**  
**238A Morrill Hall**

Present: Kathryn Hanna (chair), Ben Bornsztein, Marilyn Bruin, Arlene Carney, Dann Chapman, Jayne Fulkerson, Morris Kleiner, Frank Kulacki, Holly Littlefield, Theodor Litman, Rebecca Ropers-Huilman, Jason Shaw, George Sheets, Roderick Squires, James Wojtaszek

Absent: Carol Carrier, Vladimir Cherkassky, Randy Croce, Jessica Reinitz

Guests: Karen Zentner Bacig (Office of the Provost), Thomas Dohm (Office of Measurement Services); Jackie Singer (Director of Retirement Benefits)

[In these minutes: (1) student-rating-of-teaching optional question bank; (2) health-care savings plan; (3) conflict-of-interest committee; (4) issues for the year]

**1. Student Rating of Teaching Optional Question Bank**

Professor Hanna convened the meeting at 3:35 and turned to Vice Provost Carney and Dr. Bacig to report on the development of an optional question bank for use in the student-rating-of teaching (SRT) process.

Dr. Carney recalled that in the spring of 2008 a new SRT form was adopted, a departure from the old student-evaluation-of-teaching (SET) form. The faculty will receive an email reminder from her every semester about the use of the form. This Committee and the Committee on Educational Policy charged a group to develop new SRT questions, which it did and which were approved for use beginning last spring.

Professor Fulkerson asked if the Academic Health Center is using a different system. It depends on the course and level, Dr. Carney said. The AHC uses a different system for professional courses, and some of the undergraduate courses use the SRT form.

One element of the roll-out of the new SRT form was the promise that there would be optional questions to choose from to use in addition to the required SRT questions. This Committee and the Committee on Educational Policy endorsed development of a question bank linked to the (undergraduate) Student Learning Outcomes adopted for the Twin Cities Campus by the Faculty Senate and the administration. Today they are presenting the work of the committee that developed the optional questions, Dr. Carney said, and she provided Committee members with copies of the draft report.

Dr. Bacig reported that the ad hoc committee worked about six months; its members were: Dr. Thomas Dohm, Director, Office of Measurement Services; Professor Joan Garfield, Educational

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Psychology; Dr. David Langley, Director, Center for Teaching and Learning; Professor Ken Leopold, Chemistry; Professor Kristen Nelson, Forest Resources; Professor Paul Siliciano, Biochemistry, Molecular Biology, and Biophysics; and Dr. Bacig (two of the members of the committee are experts in measurement). The original focus of their work was the Student Learning Outcomes (SLOs), but it became clear that they could not focus only on undergraduates; because there are no SLOs for graduate and professional students, the committee used four broad categories to frame questions for graduate and professional courses. They also propose a selection of questions about course mechanics. [The SLOs can be found here: <http://www.slo.umn.edu/> ]

They hope to have a fourth category of optional questions, Dr. Bacig reported: Vice Provost Wahlstrom is working with the Technology Enhanced Learning Council to develop questions that can be used with online courses.

They did not start with a blank slate, Dr. Bacig observed. There were a number of items floating around from earlier forms, and there were 47 different forms from the SET era. The committee wanted to develop questions that were not redundant (with the required questions) and that were not two questions in one, and the faculty on the committee also wanted to avoid proposing a huge set of questions. The report presented today has a set of recommended questions which are now brought to the Committee for review. There are other "next steps" as well, including conducting a "think aloud" process with students to ascertain their interpretation of the meaning of the items, possibly a pilot project, and work with the Office of Information Technology and Dr. Dohm's office to develop as user-friendly a process as possible that is also not burdensome to OIT or Dr. Dohm's office.

Dr. Carney noted for the Committee that responsibility for the SRT process now rests in her office. It never had a home in the past. So if people have complaints about it, they now know whom to call. Her office will also answer policy questions.

The results of student responses to the six required questions on the SRT are the basis for a summative evaluation of someone's teaching and used in personnel decisions. The question-bank questions recommended today are intended to be formative, for use by the faculty member/instructor to improve his or her instruction. They are intended to allow a faculty member to try something new and receive feedback without being "punished" in the personnel process. Professor Ropers-Huilman asked if faculty will be able to create their own questions (e.g., to get at something that falls between two of the student-learning outcomes). That gets to the question of whether there can be an infinitely customizable set of questions, Dr. Carney responded. Down the road, perhaps, but not now. The questions recommended in the report are not the only possible questions, of course, and her office will work with colleges and departments to develop a few extra questions they may need. Dr. Carney said she did not know if the technology, down the road, would allow an infinitely customizable system and she said she did not want to promise that it would. They also do NOT want departments and colleges paraphrasing the existing questions. Dr. Bacig noted also that there are costs, both financial and human, for every additional element added to the system.

Dr. Carney explained, in response to a query from Professor Ropers-Huilman, that the optional questions are in separate groups because the University wants to be able to use the SLOs in the next accreditation review of the Twin Cities campus. No other institution links rating questions to learning outcomes; they want to be able to say, for all faculty who said they were addressing a particular SLO, that such-and-such was the result. That would put the University of Minnesota in a unique position when it comes time for re-accreditation. Professor Kulacki said he hoped that Dr. Carney was checking

accreditation requirements for units across the University; those requirements could help guide in the development of questions. They are, Dr. Carney said.

Dr. Carney also commented that she is aware departments will be creative in developing additional forms and questions. She said she hopes they bear in mind that there are a limited number of questions students will answer before they say they are done and walk away.

Professor Wojtaszek asked where the Morris campus fits in to the process. Dr. Carney pointed out that the Morris campus has not adopted the SLOs for the Twin Cities; it may use them or not, but she understands that a group of Morris faculty are developing SLOs for the campus, which could mean Morris faculty could pull items from the optional question bank.

Professor Hanna asked how they envision the system working. Dr. Carney explained one possible way it might work but pointed out there are a number of ways it could do so. The goal is to make it user-friendly for faculty.

Will the system eventually go online as is now the case in the AHC and permit faculty to personalize their own survey by pulling items from the question bank, Professor Fulkerson asked? There are issues about online ratings that this Committee has discussed quite a bit, Dr. Carney said. There are different response rates (about 80% for paper surveys in class versus about 45% for online surveys). That difference concerns her when the results are being used in promotion and tenure decisions. Some of the units in the AHC have a dispensation from the Committee on Educational Policy to allow them to require all students to at least log on to the site with the ratings (although the student need not actually fill out the rating form). At present there are not enough staff available to handle the system were all students to use online ratings—it is a labor-intensive process. At present 90% of classes use paper forms and 10% use online ratings. There are other problems with online ratings as well—students can make mistakes (giving the wrong instructor the ratings) or may not remember who their instructor was—the advantage of the paper forms is that they are administered in class and the student has the instructor right there.

Some have said that a 40% sample, the online return rate, is acceptable. They have inadvertently conducted the experiment to find out if there is a difference in the nature of the responses from the 45% online versus 80% in-class because several classes accidentally used both forms of ratings. The results were NOT the same; the online results rated the instructor lower and the responses were bimodal with a large variance. Dr. Carney said she wants to be sure the data are accurate when they are used summatively.

Professor Bornstein asked about the relationship between the SRT forms and grading and whether the SRT questions are optional or mandatory. They are mandatory, Dr. Carney said. Dr. Bacig explained that the forms are administered during the last two weeks of the semester but the results are not provided to the faculty member until his or her grades have been turned in. Do students see their grade before filling out the SRT, Professor Bornstein asked? They do not, Dr. Carney said, because they must fill out the forms during the last two weeks of class, before grades are turned in. Some faculty offered students extra credit in the course to complete the online rating form—but there was a problem with that system because the instructor needed to know who filled out the online SRT in order to give the extra credit. OIT was routinely providing the names to instructors, but her office has stopped that practice. That is one reason it is important to have oversight of the process, Dr. Carney commented. Professor Bruin said that she was able to learn the number of students who had completed the online rating form, although not which students had done so—and added that she had no idea the online ratings could be so much more

negative than the in-class forms. Dr. Carney said that a number of institutions use only online rating/evaluation forms, but at a university (this one) where teaching is important in personnel decisions, a 45% response rate is not enough.

Is it permissible to know how many students have completed an online rating form, Professor Bruin inquired? Dr. Dohm said the system does allow an instructor to know that number. It is acceptable for an instructor know, for example, that only 30 of 50 students in a class have completed the rating form—and to urge students to complete it, Dr. Carney added.

Dr. Carney reported that a group of faculty has been developing recommendations on peer review of instruction; the report will come to this Committee for review. Is peer evaluation mandated, Dr. Littlefield asked? It is by Senate policy, Dr. Carney said, but the policy is ambiguous on how it should happen and when. The committee she appointed worked 18 months to identify realistic ways to do peer evaluation and will forward a set of best practices.

Professor Kulacki asked about the provision in the policy suggesting that the results from supplemental (question-bank) questions can be used in personnel decisions. That is not what they want, Dr. Carney said, they want to provide a mechanism for faculty to obtain feedback. It may be that a revision of the policy should be considered, she said.

Professor Hanna suggested that if Committee members have any additional comments, they should send them to Drs. Carney or Bacig, and she thanked them for their report.

## **2. Health-Care Savings Plan**

Professor Hanna distributed copies of a draft resolution for the Faculty Senate related to the (post-retirement) health-care savings plan. She reminded Committee members that this is a unique benefit in that the dollars are contributed before taxes and the withdrawals are tax-exempt, so there are substantial savings to be had for individuals who have health-care savings plans.

Professor Hanna recalled that the Committee has discussed this issue once or twice a year for some time. At one time the Faculty Senate approved a recommendation asking the administration to put the .5% of the 2.5% that individual faculty members now contribute to the Faculty Retirement Plan into a health-care savings plan instead. Last spring, this Committee and the Faculty Consultative Committee sent forward a new proposal to the Faculty Senate, which recommended that 2% of the 13% the University contributes to the Faculty Retirement Plan be put into individual health-care savings plans. The original .5% contribution was seen as not sufficient.

The second proposal was defeated by the Faculty Senate last spring—at a time the Graduate School issue was in turmoil, the markets were down, there were no salary increases, and many opposed it because the benefit is not available to same-sex partners.

Over the summer she met with some key people who had opposed the proposal. The motion today resurrects the proposal in a way that is respectful of those faculty concerns. The draft resolution read as follows:

### RESOLUTION ON HEALTH CARE SAVINGS PLANS

## AND DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION

WHEREAS the Faculty Senate seeks to promote more adequate health care coverage for faculty upon their retirement by allowing a greater percentage of the University's contributions to individual Faculty Retirement Plan accounts to be directed to individual Health Care Savings Plan (HCSP) accounts, and

WHEREAS the University attempts to provide benefits to its employees without discriminating on the basis of sexual orientation, and

WHEREAS the current Federal Tax Code discriminates on the basis of sexual orientation by permitting use of HCSP Plan funds to pay health costs for different-sex spouses but does not permit use of HCSP funds to pay health care costs of same-sex partners, and

WHEREAS the current Federal Tax Code discriminates on the basis of sexual orientation by allowing HCSP funds to be used tax-free for health care expenses if inherited by different-sex spouses but such funds are taxed if used for health care expenses by same-sex partners who inherit the funds, and

WHEREAS the current Federal Tax Code discriminates on the basis of sexual orientation by taxing employees with same-sex partners for health care premiums for their partners when no such taxes are paid by employees for health premiums for their different-sex spouses,

NOW THEREFORE the Faculty Senate

- recommends to the President that the University re-allocate the current University contribution to Faculty Retirement Plan accounts so that 2% would be contributed to the individual's HCSP and 11% continue to be contributed to the Faculty Retirement Plan; and
- directs the Faculty Consultative Committee to send to the President of the United States and Minnesota's two United States Senators a letter on behalf of the Senate detailing the inequities described in this Resolution and asking for action to change the Tax Code provisions; and
- recommends to the President that the University work to support legislative changes in the Federal Tax Code to eliminate the inequities that affect employees with same-sex partners.

Comment:

The HCSP is a vehicle that allows employees to save money for health-care expenses that will be incurred after they leave the University or retire. Unlike funds in the Faculty Retirement Plan, funds in an HCSP may be withdrawn without being taxed if the funds are used for the designated purpose of paying health care expenses, including purchase of over-the-counter medications, long-term care insurance and Medicare premiums, and a wide variety of other expenses. As a result, it is financially advantageous for faculty to shift some Retirement Plan funds into Health Care Savings Plan accounts, providing more funds for health care than might otherwise be available. *Money Magazine* recently estimated that a person retiring in 2016 may need savings of \$200,000 to cover Medicare premiums and other out-of-pocket costs. Even if current proposals on health care reform are adopted, the need for expenditures of this kind is unlikely to change.

Civil Service employees have already adopted an HCSP plan and P&A employees have voted to direct 2% of the University's retirement contribution for their group to an HCSP. By federal law, the plan must be the same for each employee in an employee group. If this resolution is adopted, faculty and P&A employees would have the same division of retirement funds.

As stated in the Resolution, however, serious inequities exist in the Federal Tax Code treatment of HCSP accounts (and health benefits more generally) between heterosexual faculty and staff and gay, lesbian, and bisexual staff who are in domestic partnerships. It creates an inequity between two types of committed households that the University strives to recognize as equal. It is the purpose of this resolution to allow faculty who can enjoy the benefits of HCSP accounts to do so while taking steps, as a faculty and as a University, to ask our government representatives to press for changes in the Tax Code to remove the inequities.

[End of draft resolution]

Professor Hanna said she continues to believe adopting the HCSP is the right thing to do because it saves money for individuals. She asked the Committee to revisit the issue. Last year the proposal passed both this Committee and the Faculty Consultative Committee unanimously.

What is the main argument of the opponents, Professor Kleiner asked? That same-sex partners cannot use the HCSP and cannot leave it in an estate to a partner on a tax-free basis (HCSP balances can be left tax-free to a spouse or dependents for use for health-care expenses). There is nothing the University can do about that, Professor Fulkerson commented. Not unilaterally, Professor Hanna agreed, because the provisions are in the U.S. tax code. Professor Sheets said that there is no change in policy with respect to the GLBT community—the inequity already exists. This proposal presents a benefit to all who are now covered by the law without harming others any more than they have already been harmed by the law.

Professor Kulacki wondered if revisiting this issue now is politically wise, given that there have been no salary increases. This proposal calls for giving up about 1/6 of retirement plan contributions from the University. The logic, Professor Hanna said, is that this just transfers where the money is going, to cover discrete costs. Another argument against the HCSP has been that there will be universal health care, but Medicare already exists and people still face substantial health-care costs in retirement. The funds in the HCSP are invested similarly to those invested in the Faculty Retirement Plan, Mr. Chapman pointed out; Professor Hanna noted that two of the investment options are in fixed-income securities, so people who do not wish to put the funds at risk have that choice.

All retirement dollars are not the same, Professor Kulacki said. Faculty in the middle range of salaries could argue against this proposal because HCSP dollars are not the same as investment dollars that the individual can control. For faculty who make more than \$150,000, this proposal is fine, but for those in the \$60,000-80,000 range, it could be an issue. Mr. Chapman said he did not understand that argument. HCSP dollars have an advantage over Faculty Retirement Plan dollars, and it does not matter how much money one makes. One would have less control over retirement income, Professor Kulacki responded. Professor Sheets said this question came up last year; the answer is that the anticipated amount of money in an HCSP at the time of retirement will not cover total health-care costs that individuals will face—there is no danger that money will be stranded in an HCSP, unavailable for use. The HCSP proposal increases the value of the total retirement package.

Professor Kleiner suggested that with health-care negotiations nationally in flux, would it be better to wait a short time before acting on this proposal? One proposal nationally is a tax on "Cadillac" health-care plans, which would affect the University. He said there are a lot of proposals being made that could affect a decision on the HCSP. Mr. Chapman said that was not an unreasonable suggestion, because everything he has heard indicates that if there is no federal action on health care by January, the issue will be dead.

There is a risk in waiting, Professor Hanna responded, including prospective budget cuts. She said she preferred to work with what is in place now and not worry about what might be. Professor Sheets pointed out that if the Faculty Senate votes in favor of the HCSP, there will be time to revise the proposal if federal law changes in a way that affects the HCSP. Mr. Chapman said that HCSPs can be implemented in three or four months after the decision is made.

Professor Ropers-Huilman said that if, in a same-sex partnership, the primary goal is to make provisions for caring for a partner, the 2% contribution moved to an HCSP does reduce the flexibility of same-sex partners to spend money on partner health care. Ms. Singer responded that if the plan is to use retirement funds for a partner, the result is tax-neutral whether one uses Faculty Retirement Plan funds or leaves the money in an HCSP, because the same-sex partner will pay taxes on them either way. But if the same-sex partner is a dependent, they can be used for the partner, Professor Hanna added, although that may not affect very many cases. (What determines dependency is financial, Mr. Chapman reported; if one has an ill partner, he or she would likely meet the IRS rules for dependency, but would not if someone is simply paying insurance premiums for a healthy partner.)

One question is whether the tax-free benefit will survive the health-care negotiations, Professor Kleiner commented. Professor Squires said the Committee needs to deal with what is available now. It was noted that if President Bruininks receives the recommendation to implement HCSPs for the faculty, and subsequent federal action on health care makes it moot or unwise, it is inconceivable that he would not come back to this Committee and the Faculty Senate and explain that he did not believe it would be a good idea to implement the HCSP.

Professor Fulkerson asked if the question of the inequity in the tax code would not come back to the Faculty Senate if the proposal is brought up again. Professor Hanna said she had met with the primary opponents over the summer; they now agree with the proposal and the accompanying recommendation that the University take steps to eliminate the inequity. They are generally supportive of the draft resolution.

Professor Kulacki said that this proposal makes sense for junior faculty; can senior faculty opt out? (They cannot, Ms. Singer said.) Senior faculty may have made provisions for health-care coverage and not need these funds. Professor Hanna said she is close to retirement, so the proposal would not benefit her very much, but she still strongly supports it. Even if it is a small benefit for senior faculty, it is better than no benefit, Professor Bruin said. Professor Kleiner asked if one would have the option to add more funds to the HCSP; they do not, Ms. Singer said.

In response to a question, Ms. Singer explained that individuals can only opt out of the proposal if they are foreign nationals or if they can demonstrate they have fully-paid retirement health care. No other funds may be set aside in the account.

Professor Kleiner moved that the Committee approve the draft resolution. The motion passed unanimously.

### **3. Conflict-of-Interest Committee**

Professor Hanna reported that the Committee has been asked to name a representative to an ad hoc committee to make recommendations on conflict-of-interest training/education for faculty. Inasmuch as no one volunteered to serve, she said she would contact individuals about doing so.

### **4. Issues for the Year**

Professor Hanna next asked Committee members what issues they believed the Committee should focus on during the year. One, she said, is the number of tenured and tenure-track faculty; with the budget cuts, a number of unfilled faculty positions have been eliminated, reversing a slow recent trend toward increasing the number of such positions at the University.

Professor Kleiner said he would like to see information on the ratio of faculty to administrators.

Professor Squires said that it may be an issue for the Committee on Educational Policy, but he would like to see a review of the multiplication of similar courses across the campus and the barriers to multi-disciplinary teaching. Professor Hanna contended that it is the budget system that works against cross-disciplinary teaching and encourages the multiplication of courses.

Professor Squires also observed that the University has been in the business of teaching since 1851 but is only now getting to the point of doing effective evaluations, but Vice Provost Carney indicated there is not enough money to carry out full evaluations. Professor Kulacki said that a strong graduate mission means that teaching and research are conflated. This is a serious problem in the Academic Health Center, which is so dollar-driven, Professor Litman added.

Professor Ropers-Huilman said she would like to see the question of diversifying the faculty on the agenda.

Professor Fulkerson said she would like to see the issue of summer salaries taken up. Professor Hanna said she also is interested in that topic. In addition, Professor Hanna said, the Committee should look at salary inversion (hiring new faculty at salaries higher than those of faculty already here).

Professor Kulacki said he would like to see proposals for accelerating faculty retirement, how it would be accomplished, and who would be eligible. Such a plan could help address the need for new hires.

Professor Hanna thanked everyone for attending and adjourned the meeting at 4:15.

-- Gary Engstrand